



TEAMSTERS CANADA RAIL CONFERENCE

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May 11, 2024

All TCRC Members,

This is an update regarding Federal Minister of Labour Seamus O'Regan, exercising his rights under the Canada Labour Code and the impact of such actions on our current collective agreement negotiations.

On the evening of Thursday, May 9, 2024 the TCRC was notified that the minister asked the Canadian Industrial Relations Board (CIRB) to look into the maintenance of activities agreements between the TCRC and CN and CPKC. To understand the implications of this action it must be understood that all three bargaining groups properly attained signed agreements from both CPKC and CN agreeing that there were NO essential services required to be maintained in the event of a strike or lockout. This is a requirement as outlined under the Canada Labour Code at Section 87.4. These agreements were filed with the Canadian Industrial Relations Board and there has been no dispute of the same since the bargaining process began in last fall.

The documents provided to the Union regarding the minister's referral state that concerns have been raised that a disruption of the services provided by the employer could endanger the health or safety of the public. There was also a letter authored by the Canadian Propane Association outlining their concerns, stressing the importance of a settlement between the parties to avoid any disruption to the propane supply.

What does this mean? Firstly, the minister has the authority under the code to make this referral:

87.4(5) At any time after notice of dispute has been given, the Minister may refer to the Board any question with respect to the application of subsection (1) or any question with respect to whether an agreement entered into by the parties is sufficient to ensure that subsection (1) is complied with.

As mentioned above the TCRC in good faith reached maintenance of activity agreements with the carriers prior to conciliation. There has been no mention or concern over the agreements themselves, or that they may be challenged by the federal government.

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To address this development all affected General Chairs, National Officers and legal counsel have been working on next steps and the impact this has on negotiations (scheduled to begin the week of May 13th). As of the writing of this letter the CIRB has *just* issued a communication to the parties outlining the timeline for initial submissions and rebuttal. These timelines encompass the strike/lockout date with submissions completed on May 31, 2024. Rest assured the TCRC is beginning the process to make its position known to the board.

FMCS has communicated with the parties simply to confirm receipt of the letters outlining the minister's actions. It has also been confirmed that scheduled negotiations for all three groups will go ahead as planned in Montreal (Beginning May 13th with CN, May 17th with CPKC). Perhaps the most impactful information relayed by FMCS in these communications was the affect the minister's announcement has on the strike/lockout date of May 22nd.

The board must now investigate the minister's referral. Specifically;

NOW THEREFORE the Minister of Labour, pursuant to subsection 87.4(5) of the Code, hereby refers to the Canada Industrial Relations Board the question of whether the agreement entered into by the parties is sufficient to ensure that subsection 87.4(1) is complied with and asks that the Canada Industrial Relations Board determine the action, if any, that is required in order for the employer, the union and the employees in the bargaining units to comply with subsection 87.4(1) of the Code in the event of a work stoppage.

What happens now? The relevant portion of the code;

87.4 (1) During a strike or lockout not prohibited by this Part, the employer, the trade union and the employees in the bargaining unit must continue the supply of services, operation of facilities or production of goods to the extent necessary to prevent an immediate and serious danger to the safety or health of the public.

During this process a strike/lockout cannot be initiated by any affected party. The membership's right to withdraw services is frozen while the board investigates the matter fully and issues a determination. The employers cannot lock us out either. The time required for the process to complete is virtually impossible to predict. Legal counsel has cited examples in other industries to provide some insight, but our situation is unique. The TCRC will comply with the timeline provided from the board and begin preparing submissions.

As above the TCRC will be in Montreal to continue the fight to attain an agreement that protects the membership's interests. Your overwhelming support was shown in the unprecedented ballot return and with the results of the strike vote. That is not lost. The employers know what our membership thinks of their proposals, and your Union will be there to move your demands forward. This recent development is incredibly frustrating, and we believe undermines the entire

process. The TCRC will challenge any result that impacts our charter rights, whether it be this dispute or any decision that may hinder future collective bargaining. However, the reality is that we must follow the law and respect the process as described.

The TCRC will continue to communicate internally and develop strategy as required. Legal counsel is also on standby and ready to attend to any requirement. Teamsters Canada is involved and vitally important considering their lobbying abilities. They will continue to work with Don Ashley to provide the same strong voice as before. Any developments will be relayed to the membership through all means available, we again recommend the TCRC App as the quickest source in that regard.

Thank you for your attention to this matter, we remain,

In Solidarity,



Dave Fulton
General Chairman – CP CTY West



Greg Lawrenson,
General Chairman – CP LE West



Mark Kernaghan
General Chairman – CN LE Central



Jim Lennie
General Chairman – CN CTY Central



Wayne Apsey
General Chairman – CP CTY East



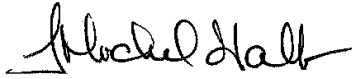
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General Chairman – CN CTY West



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Jean-Michel Halle
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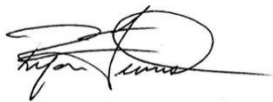
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